

**Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION**



**AGENDA ITEM NO.: 77
AGENDA DATE: Thu 12/15/2005
PAGE: 1 of 2**

SUBJECT: C14-05-0106 - West Congress Neighborhood Plan Area Rezonings, Pleasant Hill Subdistrict, Tract 23a (116 Red Bird Lane) and Tract 30 - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Tract 23a, located at 116 Red Bird Lane and Tract 30, located at 103 Red Bird Lane and 0 Red Bird Lane (Pleasant Hill Addition south 68 feet average of Lot 20 and south 68 feet average and East 50 feet of Lot 21, Block 1), within the Pleasant Hill Subdistrict. The Pleasant Hill Subdistrict is generally described as the properties bounded by the northern boundary of the Pleasant Hill Addition Subdivision on the north, South Congress Avenue on the east, West Stassney Lane on the south, and properties fronting Hummingbird Lane on the west (Williamson Creek Watershed). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering Tract 23a and Tract 30, within the subdistrict. Under the Pleasant Hill subdistrict, "Small Lot Amnesty" special use and "Impervious Cover and Parking Placement Restrictions" and "Prohibiting Parking in the Front Yard" zoning regulations are proposed. "Secondary Apartment" special use and "Garage Placement" and "Front Porch Setback" zoning regulations are also proposed for the Pleasant Hill subdistrict. The "Neighborhood Mixed-Use Building" special use is proposed for Tract 30 and 23A. The proposed zoning change will also change the base district zoning on two tracts of land and the City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3) district zoning; single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multi-family residence limited density (MF-1) district zoning; multi-family residence low density (MF-2) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; multi-family residence high density (MF-5) district zoning; multi-family residence highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; commercial recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; major industrial (MI) district zoning; limited industrial services (LI) district zoning; research and development (R&D) district zoning; development reserve (DR) district zoning; agricultural (AG) district zoning; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO), planned development area overlay (PDA), mixed use (MU) combining district overlay; neighborhood conservation combining district (NCCD); or neighborhood plan combining district (NP) may also be added to these zoning base districts. On September 1, 2005, CS-MU-CO-NP district zoning was approved for Tract 23a on First Reading. Vote 6-0, Alvarez off the dais. On September 1, 2005, SF-3-NP district zoning was approved for Tract 30 on First reading. Vote: 6-1, Mayor Wynn - Nay. On October 6, 2005, LO-MU-CO-NP district zoning was approved for Tract 30 on Second reading. Vote: 6-1, Mayor Pro Tem Thomas - Nay. On November 3, 2005 Tract 23a and Tract 30 were postponed to December 15, 2005. Applicant: City of Austin. Agent: Neighborhood Planning and Zoning Department. City Staff Mark Walters, 974-7695. Note: A valid petition has been filed in opposition to the rezoning request for Tract 30.

ZONING SUMMARY SHEET

ZONING CASE NUMBER: C14-05-0106

REQUEST:

Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Tract 23a, located at 116 Red Bird Lane and Tract 30, located at 103 Red Bird Lane and 0 Red Bird Lane (Pleasant Hill Addition south 68 feet average of Lot 20 and south 68 feet average and East 50 feet of Lot 21, Block 1), within the Pleasant Hill Subdistrict. The Pleasant Hill Subdistrict is generally described as the properties bounded by the northern boundary of the Pleasant Hill Addition Subdivision on the north, South Congress Avenue on the east, West Stassney Lane on the south, and properties fronting Hummingbird Lane on the west (Williamson Creek Watershed). The proposed zoning change will create a Neighborhood Plan Combining District (NPCD) covering Tract 23a and Tract 30, within the subdistrict. Under the Pleasant Hill subdistrict, "Small Lot Amnesty" special use and "Impervious Cover and Parking Placement Restrictions" and "Prohibiting Parking in the Front Yard" zoning regulations are proposed. "Secondary Apartment" special use and "Garage Placement" and "Front Porch Setback" zoning regulations are also proposed for the Pleasant Hill subdistrict. The "Neighborhood Mixed-Use Building" special use is proposed for Tract 30. The proposed zoning change will also change the base district zoning on two tracts of land and the City Council may approve a zoning change to any of the following: rural residence (RR) district zoning; single family residence large lot (SF-1) district zoning; single family residence standard lot (SF-2) district zoning; family residence (SF-3); single family residence small lot (SF-4A) district zoning; single family residence condominium site (SF-4B) district zoning; urban family residence (SF-5) district zoning; townhouse & condominium residence (SF-6) district zoning; multi-family residence limited density (MF-1) district zoning; multi-family residence low density (MF-2) district zoning; multi-family residence medium density (MF-3) district zoning; multi-family residence moderate-high density (MF-4) district zoning; multi-family residence high density (MF-5) district zoning; multi-family residence highest density (MF-6) district zoning; mobile home residence (MH) district zoning; neighborhood office (NO) district zoning; limited office (LO) district zoning; general office (GO) district zoning; commercial recreation (CR) district zoning; neighborhood commercial (LR) district zoning; community commercial (GR) district zoning; warehouse/limited office (W/LO) district zoning; general commercial services (CS) district zoning; commercial-liquor sales (CS-1) district zoning; commercial highway (CH) district zoning; industrial park (IP) district zoning; major industrial (MI) district zoning; limited industrial services (LI) district zoning; research and development (R&D) district zoning; development reserve (DR) district zoning; agricultural (AG) district zoning; planned unit development (PUD) district zoning; historic (H) district zoning; and public (P) district zoning. A conditional overlay (CO), planned development area overlay (PDA), mixed use (MU) combining district overlay; neighborhood conservation combining district (NCCD); or neighborhood plan combining district (NP) may also be added to these zoning base districts.

DEPARTMENT COMMENTS:

Tract 30

On October 12, 2005, Staff met to discuss zoning and future land use map designations for Tract 30 with the property owner as well as property owners within the Pleasant Hill Subdistrict. No resolutions were reached and the property owners remain in amicable disagreement.

A valid petition of 29.64% for Tract 30 has been filed by the adjacent property owners in opposition to this rezoning request.

The current use, Construction Sales and Services, has been determined to be non-conforming ("grandfathered") by the Solid Waste Services Department zoning code enforcement division. However, the current storage of construction material out in the open at this site is a violation of City code. In order to come into compliance, these materials must be stored in a covered structure or be removed from the property. It is not known if the existing structures on the property can accomplish this requirement.

If the current zoning remains (SF-3/SF-6), Mr. Harper cannot increase the level of non-compliance by increasing the size of current structures or constructing any new ones. In order to build a structure on site to store construction materials, as Mr. Harper has expressed a desire to do, the zoning would have to be changed to Commercial Services (CS). Conditions could be placed on the zoning to limit the more intense land uses allowed in CS.

The property owner proposes CS-MU-CO-NP district zoning and the Conditional Overlay follows Exhibit B. The Neighborhood is agreeable to either no change to the existing SF-3/SF-6 zoning or the Planning Commission's recommendation of LO-MU-CO-NP, requiring a 30' wide vegetative buffer adjacent to single-family uses. However, the Neighborhood has communicated to Staff that if CS-MU-CO-NP district zoning is approved, then the following items are requested: construct an 8' tall fence and / or landscaping to along Red Bird Lane to screen the business from the neighborhood; install a 30 foot wide vegetative buffer along the west side of the property; prohibit trucks or forklifts from parking or unloading on Red Bird; make immediate improvements to the drainage characteristics of the property so that it does not impact the residences to the north, and restrict the property's ability to accommodate future businesses. The Neighborhood's correspondence and petitions follow the Applicant's proposed conditional overlay.

Tract 23a

Due to errors in the addressing data, some confusion arose concerning Tract 23a (116 Red Bird). On first reading Council approved CS-MU-CO-NP for the tract. On second and third reading on October 6, no action was taken regarding 116 Red Bird. At that meeting, a motion was made to remove consideration of a zoning change for part of Tract 23a (106 Red Bird Lane) due to a notification error. However, 116 Red Bird was sufficiently noticed for a zoning change. At the November 3 Council meeting, 116 Red Bird will be considered as Tract 23a for second and third readings to change the zoning to CS-MU-CO-NP. The CO would require a 30' vegetative buffer adjacent to single-family uses.

APPLICANT: City of Austin

AGENT: Neighborhood Planning and Zoning Department (Mark Walters)

DATE OF FIRST READING: September 1, 2005, approved the rezoning of the Pleasant Hill Subdistrict as Planning Commission recommended with exception of Tract 18 and Tract 30, on First Reading (6-0, Alvarez – off the dais).

For Tract 23a, CS-MU-CO-NP district zoning was approved for 116 Red Bird Lane, on First Reading (6-0, Alvarez – off the dais).

For Tract 30, SF-3-NP district zoning was approved on First Reading (6-1, Mayor Wynn – Nay).

DATE OF SECOND READING: October 6, 2005, approved the Pleasant Hill Subdistrict Rezoning of the West Congress Neighborhood Plan for Tracts 22, 23b, 25, 26, 27, 28, 31 and 32, as recommended by the Planning Commission, on Second and Third Readings (7-0). Note: Tracts 18, 23a (later determined to be an incorrect address and thus, no action was taken), 35 and 30 were taken up separately.

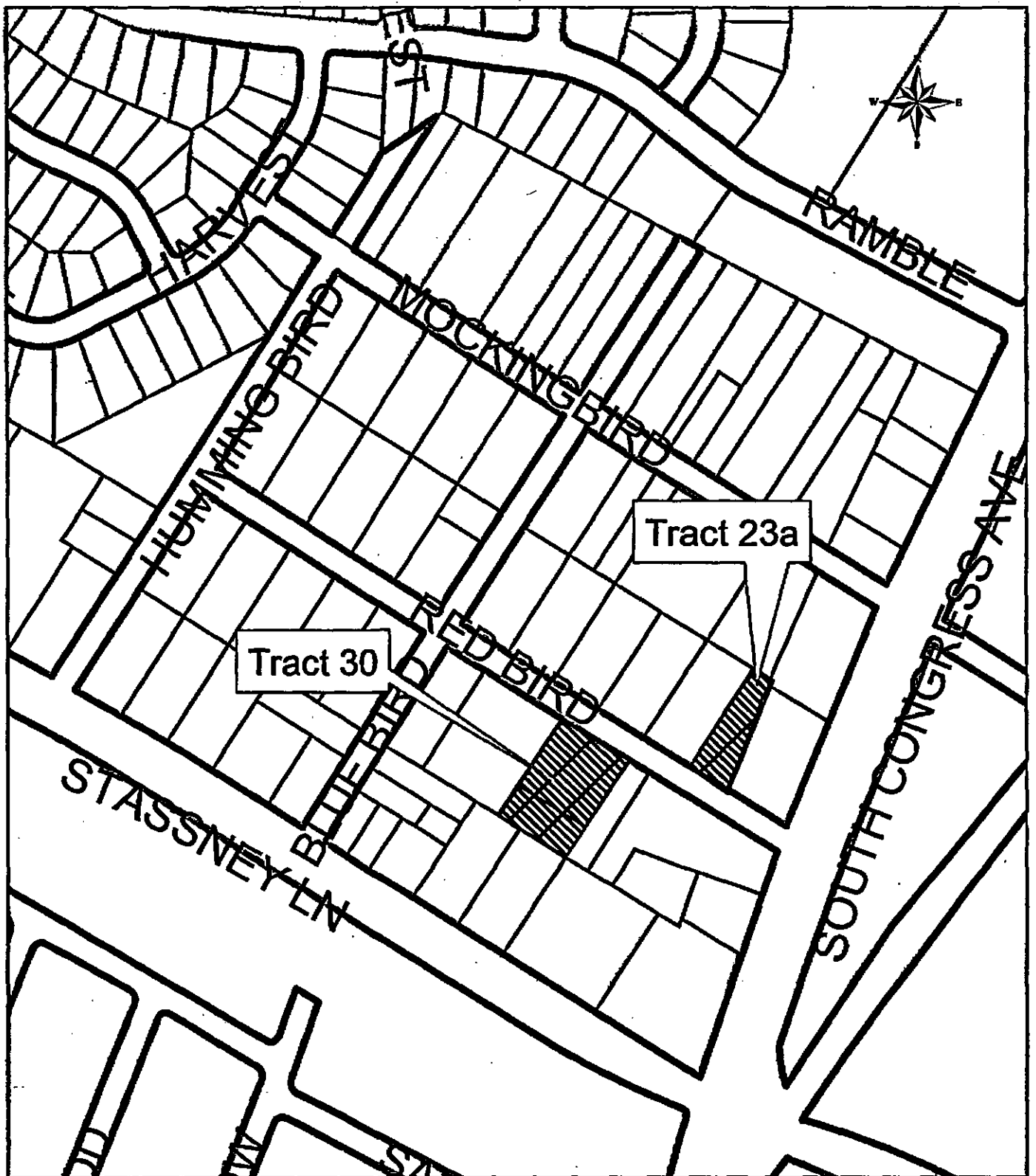
For Tract 30, LO-MU-CO-NP district zoning with a Conditional Overlay for a 30-foot wide vegetative buffer along the west side was approved on Second Reading (6-1, Mayor Pro Tem Thomas – Nay).

CITY COUNCIL DATE: December 15, 2005

ACTION:

ORDINANCE NUMBER:

ASSIGNED STAFF: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us



West Congress Neighborhood Planning Area:
Tracts 30 and 23a
Case #C14-05-0106 (PART) Exhibit A
November 3, 2005

0 125 250
Feet

City of Austin
Neighborhood Planning and Zoning Department

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 20050818-Z003, AND REZONING AND CHANGING THE ZONING MAP TO ADD A NEIGHBORHOOD PLAN COMBINING DISTRICT TO TRACT 23A (116 RED BIRD LN) AND TRACT 30 (103 AND 0 RED BIRD LN) LOCATED IN THE PLEASANT HILL SUBDISTRICT OF THE WEST CONGRESS NEIGHBORHOOD PLAN AREA AND TO CHANGE THE BASE ZONING DISTRICTS ON THE TRACTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. Ordinance No. 20050818-Z003 is amended to include the property identified in this Part in the West Congress neighborhood plan combining district. The zoning map established by Section 25-2-191 of the City Code is amended to add a neighborhood plan (NP) combining district to the base zoning districts and to change the base zoning districts on land within the Pleasant Hill Subdistrict and described in File C14-05-0106 (PART), as follows:

Tract 23a 116 Red Bird Ln; and

Tract 30 103 Red Bird Ln; 0 Red Bird Ln (the south 68 ft. avg. of Lot 20 & the south 68 ft. avg. & the east 50 ft. of Lot 21 Blk. 1, Pleasant Hill Addn.),

(the "Property") as shown on the attached Exhibit "A",

generally known as the West Congress neighborhood plan combining district, locally known as the area bounded by Ben White Boulevard on the north, South Congress Avenue on the east, West Stassney Lane on the south, and South 1st Street on the west, in the City of Austin, Travis County, Texas, and generally identified in the map attached as Exhibit "B".

Except as provided in this ordinance, the existing base zoning districts and conditions remain in effect.

PART 2. The base zoning districts for the two tracts of land are changed from family residence (SF-3) district, and townhouse and condominium residence (SF-6) district, to limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district, and general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district, as more particularly described and identified in the chart below.

TRACT NO.	ADDRESS	FROM	TO
23a	116 Red Bird Ln	SF-3	CS-MU-CO-NP
30	103 Red Bird Ln; 0 Red Bird Ln (the south 68 ft. avg. of Lot 20 & the south 68 ft. avg. & the east 50 ft. of Lot 21 Blk 1, Pleasant Hill Addn.)	SF-3, SF-6	LO-MU-CO-NP

PART 3. The following applies to an existing legal lot with single-family residential use or secondary apartment special use within the boundaries of the NP combining district:

1. The minimum lot area is 2,500 square feet.
2. The minimum lot width is 25 feet.
3. For a lot with an area of 4,000 square feet or less, the impervious coverage may not exceed 65 percent.

PART 4. The following applies to a single-family residential use, a duplex residential use, or a two-family residential use within the boundaries of the NP combining district:

1. Impervious cover and parking placement restrictions apply as set forth in Section 25-2-1603 of the Code.
2. Front or side yard parking restrictions apply as set forth in Section 25-2-1406 of the Code.

PART 5. The following applies to a single-family residential use, a duplex residential use, or a two-family residential use within the boundaries of the Pleasant Hill Subdistrict:

1. Front porch setback applies as set forth in Section 25-2-1602 of the Code.
2. Garage placement restrictions apply as set forth in Section 25-2-1604 of the Code.

1
2 **PART 6.** Secondary apartment special use is permitted on lots in residential districts
3 within the boundaries of the Pleasant Hill Subdistrict as set forth in Sections 25-2-1462
4 through 25-2-1463 of the Code.

5
6 **PART 7.** Tract 23a may be developed as a neighborhood mixed use building special use as
7 set forth in Sections 25-2-1502 through 25-2-1504 of the Code.

8
9 **PART 8.** Except as specifically provided in Part 9 and Part 10, the Property may be
10 developed and used in accordance with the regulations established for the respective base
11 districts and other applicable requirements of the City Code.

12
13 **PART 9.** The Property within the boundaries of the conditional overlay combining district
14 established by this ordinance is subject to the following conditions:

15
16 A 30-foot wide vegetative buffer shall be provided and maintained along the west
17 property lines of Tract 23a and Tract 30 that are adjacent to a property used or zoned
18 family residence district or more restrictive.

19
20 **PART 10.** The Property is subject to Ordinance No. 20050818-Z003 that established the
21 West Congress neighborhood plan combining district.

22
23 **PART 11.** This ordinance takes effect on _____, 2005.

24
25
26 **PASSED AND APPROVED**

27 §
28 §
29 §
30 §

2005

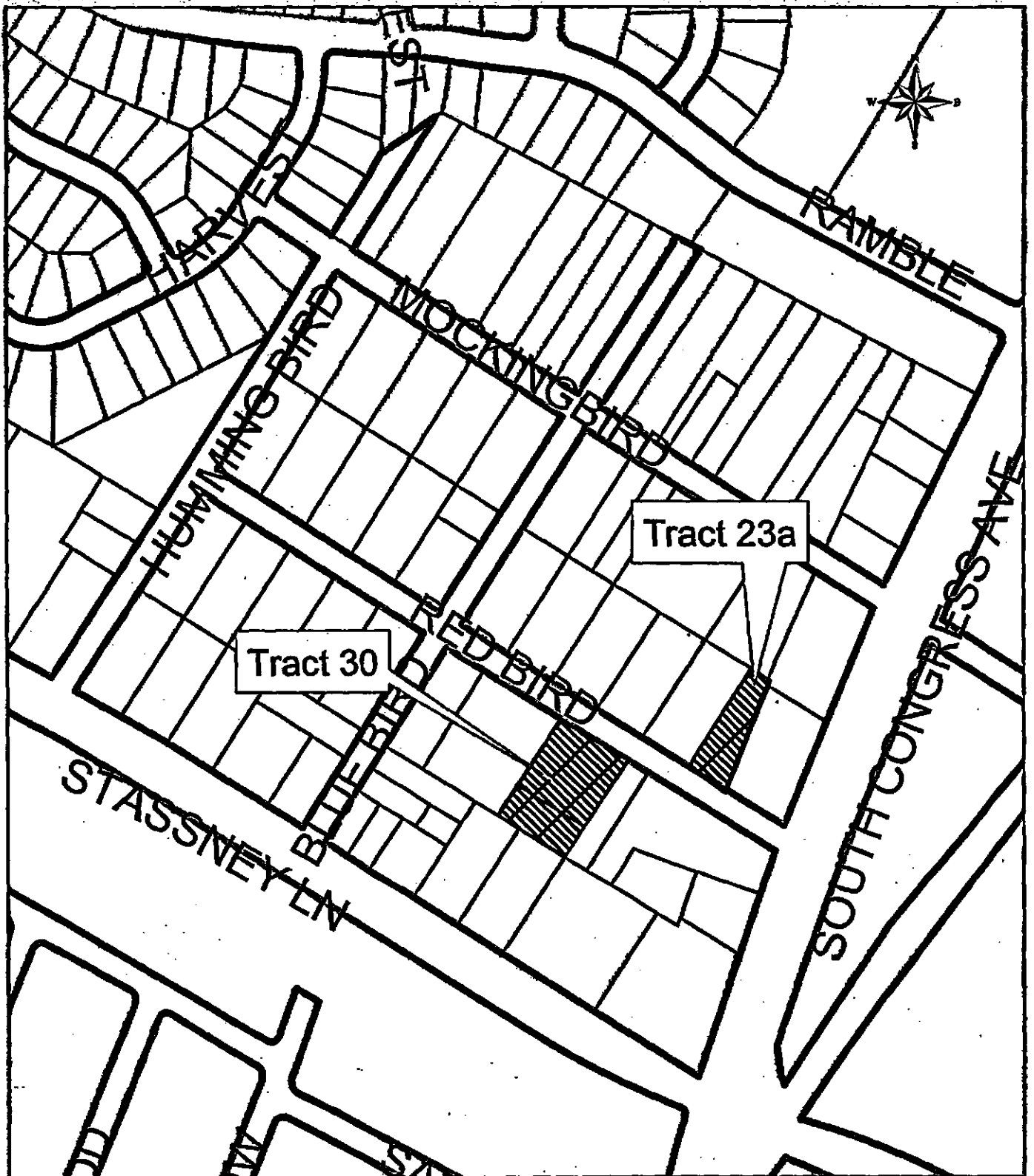
31 _____
32 Will Wynn
33 Mayor

34
35 **APPROVED:**

ATTEST:

36 _____
37 David Allan Smith
City Attorney

Shirley A. Brown
City Clerk



West Congress Neighborhood Planning Area:
Tracts 30 and 23a
Case #C14-05-0106 (PART)
November 3, 2005

Exhibit A

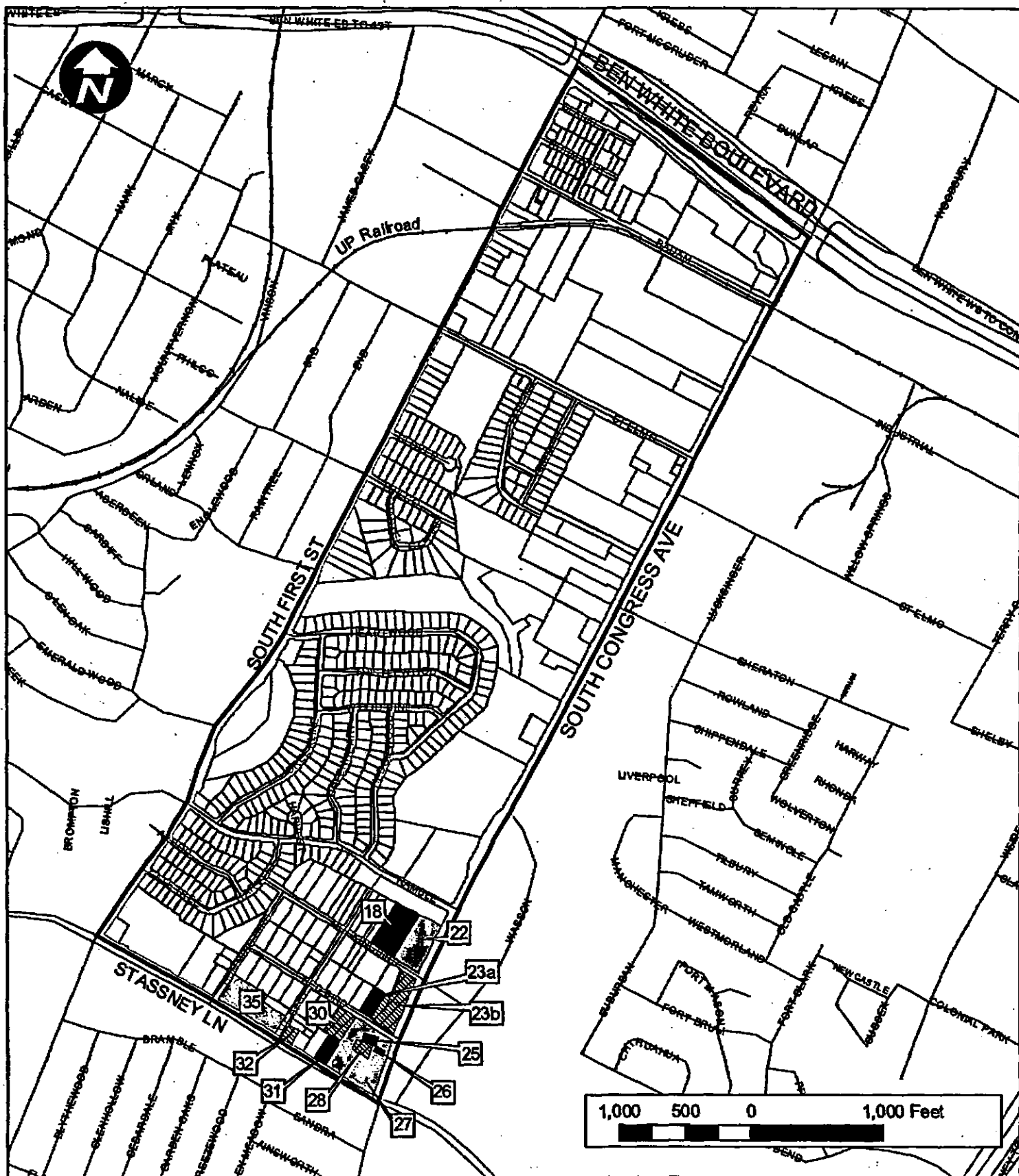
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City of Austin
Neighborhood Planning and Zoning Department



**West Congress Neighborhood
Planning Area: Subdistricts**

**CASE #
C-14-05-0106
EXHIBIT A**



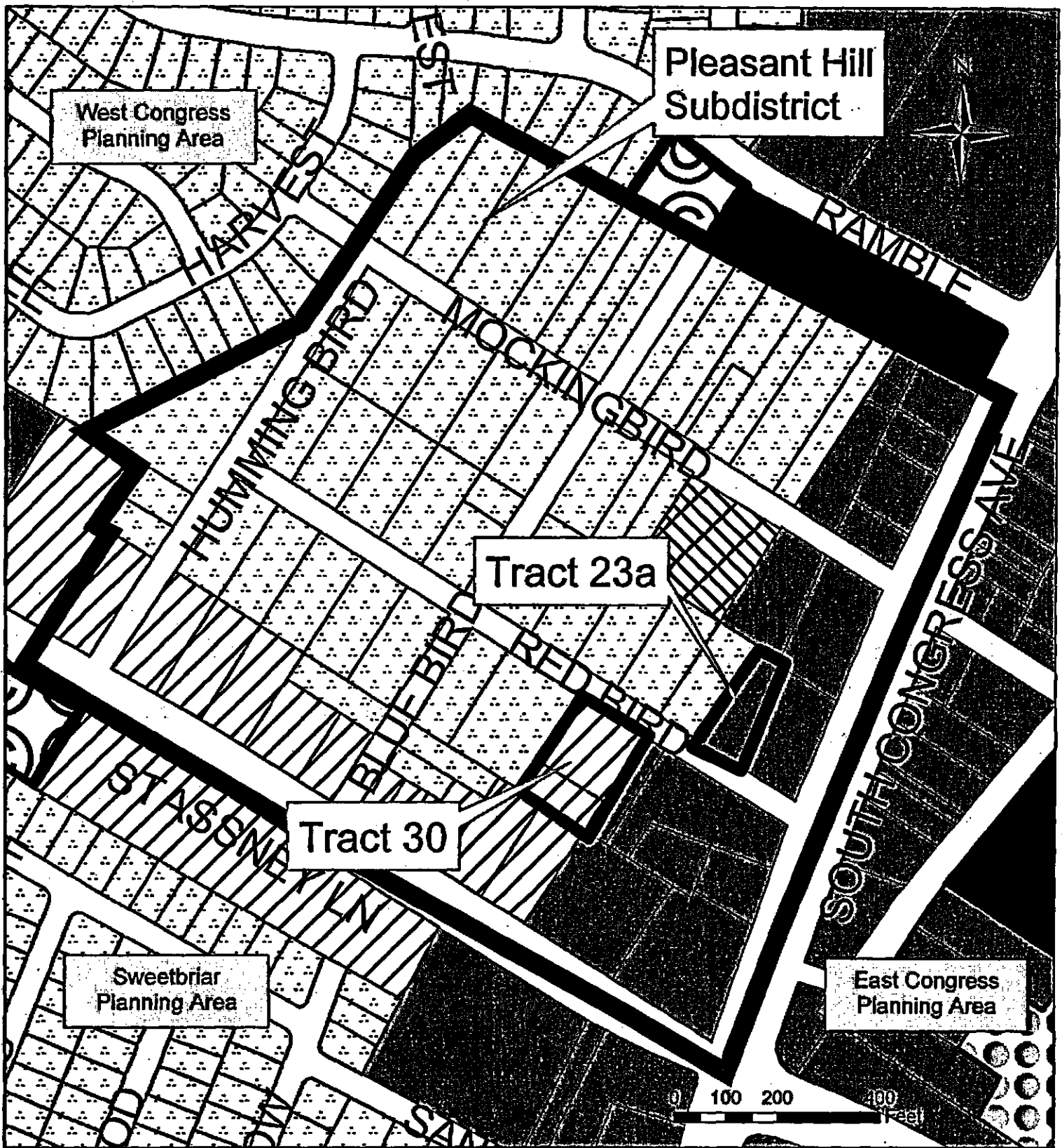
**West Congress Neighborhood Planning Area:
Proposed Tracts for Rezoning
Case #C14-05-0106**



Exhibit A



City of Austin
Neighborhood Planning and Zoning Department



**Pleasant Hill Subdistrict of the
West Congress Neighborhood Planning Area:
Future Land Use Map
NP-05-0020 (PART)**



City of Austin
Neighborhood Planning and Zoning Department
November 3, 2005

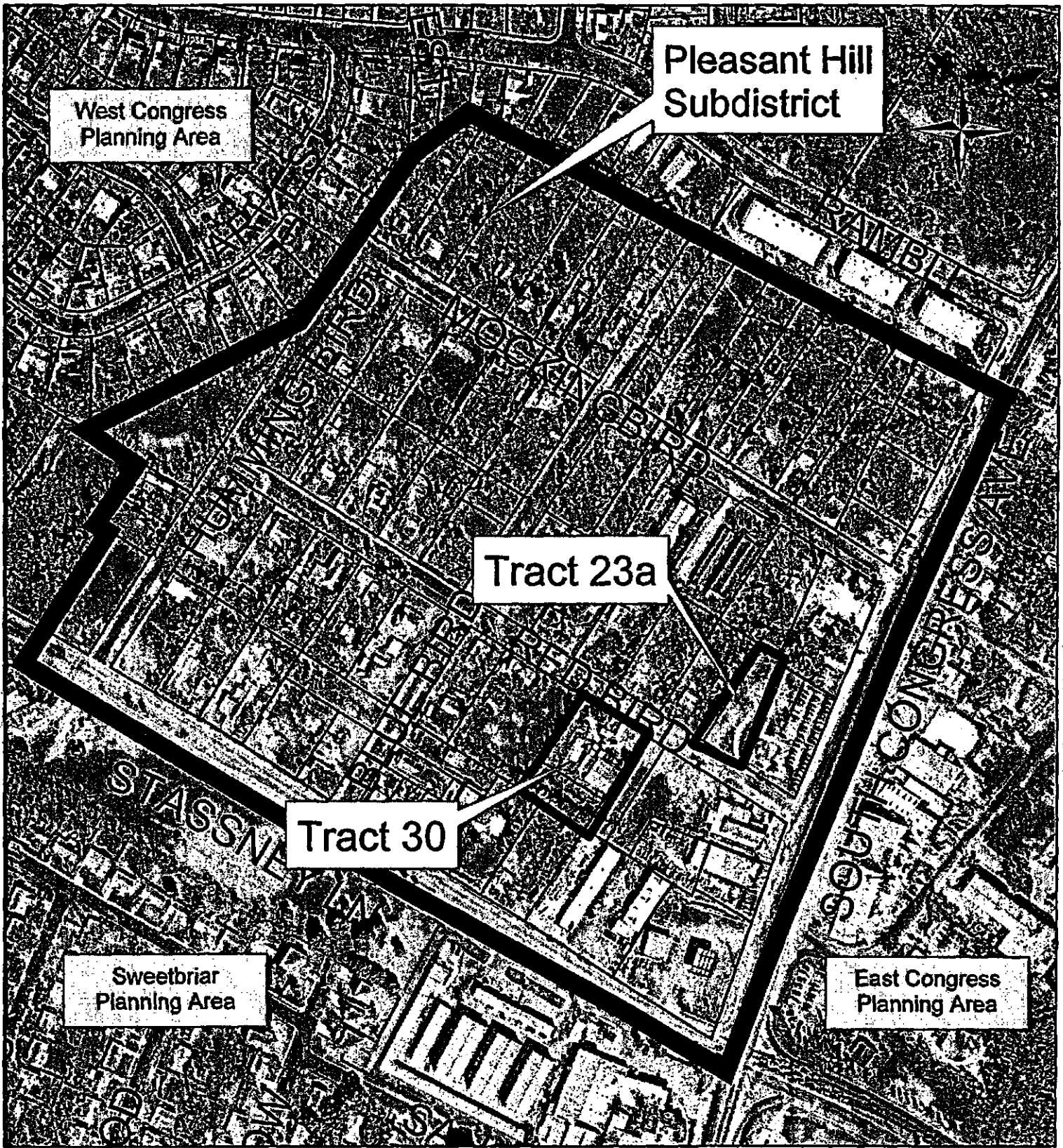
A comprehensive plan does not constitute zoning.

Exhibit A

Future Land Uses

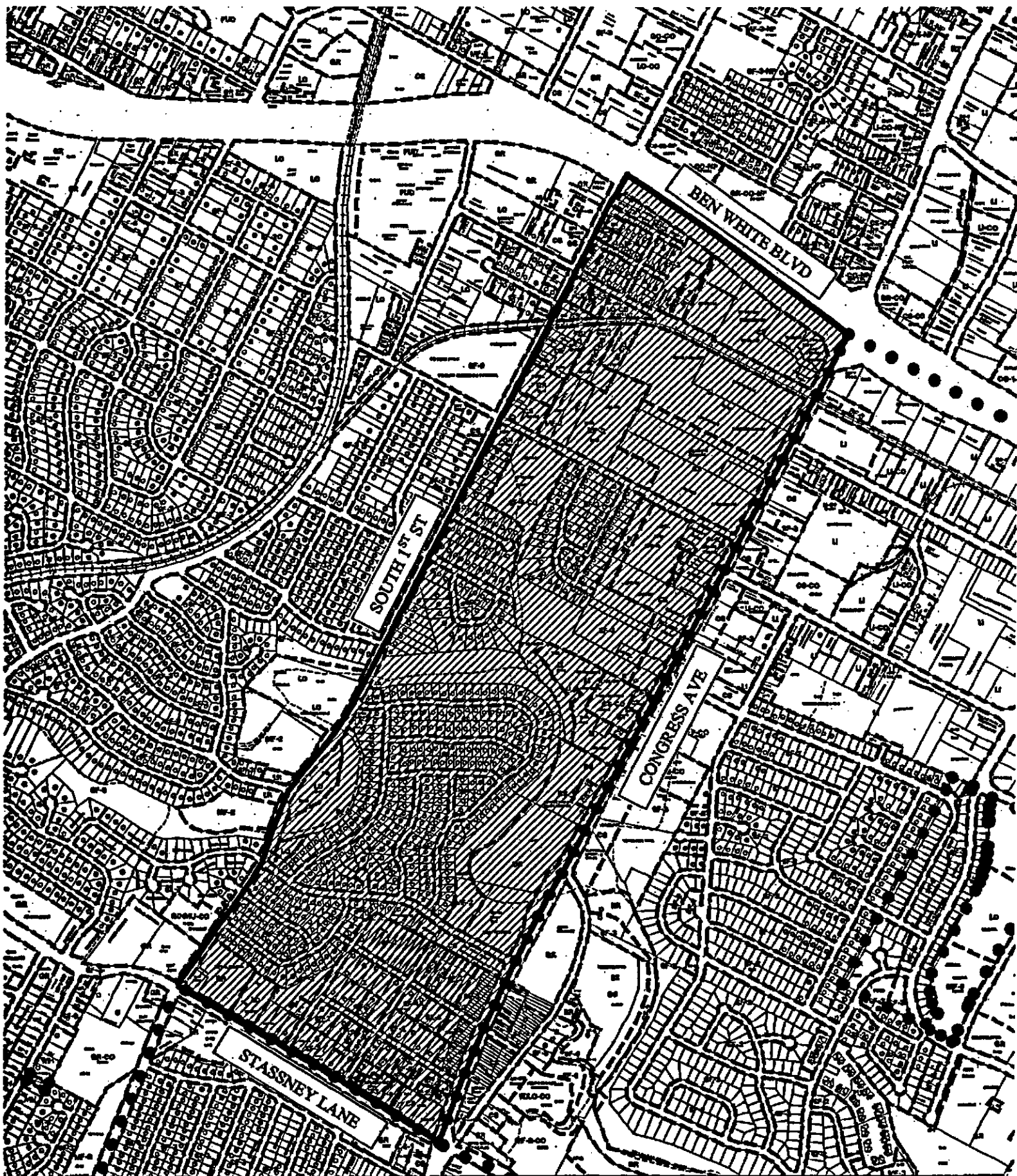
Single-family	Office
High Density Single-family	Mixed Use/Office
Multi-family	Industry
Commercial	Civic
Mixed Use	Open Space




Pleasant Hill Subdistrict



Pleasant Hill Subdistrict of the
West Congress Neighborhood Planning Area:
Aerial 2003
NP-05-0020 (PART)





SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: W. WALSH

CASE #: C14-05-0106
 ADDRESS: WEST CONGRESS
 NEIGHBORHOOD PLANING AREA
 SUBJECT AREA (acres): N/A

ZONING EXHIBIT B

DATE: 05-07

INTLS: SM

CITY GRID
 REFERENCE
 NUMBER
 G & H17-18



103 Red Bird Lane, Austin, Texas 78745-3122

December 7, 2005

City of Austin
Mr. Mark Walters
Neighborhood Planning & Zoning
One Texas Center, Suite 525

Mr. Mark Walters,

I would like you to include the conditions that I have supplied to staff as well as the council. I not sure why the information you are providing for the council meeting only includes "Neighborhood Conditions for Support of CS-MU-CO-NP" and not my concerns.

Items supplied to staff and Council:

1. Our conditional overlay for 103 Red Bird Lane supplied 10/25/05.
2. Our letter why we are requesting this overlay supplied 10/25/05.
3. I think it would be beneficial for the council to know that we have submitted affidavit from 22 residence of the City of Austin that this decision will directly affect.

My answer to the conditions provided to me today from the neighbor is as follows.

1. As stated in my conditional overlay we are willing to meet the 25' setback a 30' setback will not allow us to continue the business we have been performing for the past 30 years.
2. These limits will not allow our business to continue.
3. A solid fence in front of our location will not allow access for our services.
4. We currently do not park company trucks on the street and only park delivery truck as they are waiting unloading.
5. This can be done to some extent if the city of Austin approves our building plan.
6. We currently have forklifts on the street because we are awaiting this decision before moving forward with our building program.
7. This is a city of Austin issue that we will be more than happy to work within their guidelines. We disagree and can provide grades that will show this issue is no worse than before we leveled the side of the roadway.

General Contractors, Construction Management
Plumbing & Electrical Service
Parks & Playgrounds

512-440-0707

512-440-0736 Fax



103 Red Bird Lane, Austin, Texas 78745-3122

8. We are not willing to rollback any item that could cause the lowering of the value of this property.

I would like to add one more item for the council's consideration. We have been here doing the same type of work since 1969 and no one has questioned this. We have grown and changed part of the way we do business and I hope the City supports growth in small businesses. We have a plan to help many of the issues the neighborhood has but many of them require us to do most of our work off site and this is not economical.

Last there is no neighbor, that I have met, that has been here as long as we have. That means they all bought knowing what and how we do business. My closes neighbors have been less than 6 years and even at that not once have we ever had a written complaint to the City of Austin or any other entity. The main reason for this is we do our best to work with the neighborhood (will continue to do so) and everyone knows what we do.

Respectfully,

Thomas F. Harper
Owner
T. F. Harper & Associates

General Contractors, Construction Management
Plumbing & Electrical Service
Parks & Playgrounds

512-440-0707

512-440-0736 Fax

Proposed Conditional overlay for Tract 30 (PROPERTY OWNER'S)

Rezone from SF-3 and SF-6 to CS-MU-CO-NP

Conditional Overlay limits uses to

A) All residential uses

B) The following commercial use:

Construction Sales and Services

C) All Limited Office (LO) uses:

Residential

Bed and Breakfast (Group 1)

Bed and Breakfast (Group 2)

Civic

**Club or Lodge (c)
College and University Facilities (c)
Communication Service Facilities
Community Events (1)
Community Recreation—Private (c)
Community Recreation—Public
Congregate Living (c)
Convalescent Services
Counseling Services
Cultural Services
Day Care Services—Commercial
Day Care Services—General
Day Care Services—Limited**

**Family Home
Group Home Class I—General
Group Home Class I—Limited
Group Home Class II (c)
Hospital Services—Limited (c)
Local Utility Services
Private Primary Educational Services
Private Secondary Educational Services (c)
Public Primary Educational Services
Public Secondary Educational Services
Religious Assembly
Residential Treatment (c)
Safety Services**

Commercial

**Administrative and Business Offices
Art Gallery
Art Workshop
Communication Services
Medical Offices—not exceeding
5,000 sq/ft of gross floor space**

**Medical Offices—exceeding
5,000 sq/ft of gross floor space
Professional Offices
Software Development
Special Use—Historic (c)**

Agricultural

Urban Farm

D) Prohibit drive-through as an accessory use

October 4, 2005

Reference: C 14-05-0106

Reference: C 14-05-0106.02

Honorable Mayor Will Wynn and City of Austin Council Members,

As residents of the Pleasant Hill Addition sub-district located in the West Congress Avenue Neighborhood Planning Area, we are concerned about upcoming zoning decisions and their impact on our community. We are proud to live in a neighborhood that offers such a unique glimpse into Austin's historical, cultural and architectural heritage - a heritage we believe is worth protecting. Our neighborhood is in transition with restored turn-of-the-century homes and new homes being built. Additionally, the remaining natural areas in our community provide dwindling urban wildlife with critical travel routes, food, water, and shelter.

It is our sincere belief that the following zoning recommendations will safeguard current residents while preserving the area's unique flavor and resources for future generations to enjoy.

We respectfully request your support for the following zoning recommendations:

- SF-2 for Tract 18 (106-200 W. Mockingbird Lane)
- SF-2 for Tract 23A (106 Red Bird Lane, alternately shown as 116 Red Bird on the proposed zoning change sheets). Alternate request: LO-MU-CO-NP.
- SF-3 and SF-6 for Tract 30 (103 Red Bird). The property owner plans to request CS-MU-CO-NP zoning. However, according to the City's own Neighborhood Planning and Zoning Guidelines, "CS is generally incompatible with residential environments." (Neighborhood Planning Guide to Zoning, page 23, April 2005). We oppose the CS designation because a construction business on 3/4 acre with 30+ employees, service trucks and semi-truck deliveries is not compatible with a residential neighborhood with children and hearing-impaired adults. Mr. Harper's business has evolved over recent years and outgrown its location. We request to be heard regarding this parcel at the council meeting scheduled for October 6th. Alternate request: LO-MU-CO-NP.
- LO-MU-NP for Tract 35 (306-314 Stassney). LO is noted by city staff on the Future Land Use Map of August 18. The new GO recommendation is undesirable because it would allow a 60' building to be erected next to residences.
- LO-MU-NP for 400-414 Stassney. (Corner of Hummingbird; (See reference C14-05-0106.02.). Most of this property is in the flood plain, which limits its desirability for development. The city staff's GO recommendation is undesirable because it would allow a 60' building to be erected next to a residence. LO is listed on the Future Land Use Map of August 18.

Thank you for your consideration.

Sincerely,



Andrea Thomas
309 Red Bird Lane
days: 512-445-5915
cell: 512-925-5214
athomas57@austin.rr.com

October 3, 2005

Deral Hendrix
304 Red Bird Lane
Austin, Texas 78745
512.447.4289
deral@austin.rr.com

Re: C14-05-0106, Tract 30

Dear City Council:

I am one of 32 owner/occupants of property on the 'Bird' streets within the Pleasant Hill Subdistrict – West Congress Neighborhood Planning Area Rezoning. In this area there are also 5 lots, 2 unoccupied houses recently relinquished by elderly owner/occupants, 11 renters (7 of whom live in one condo unit), and then there is Tract 30, a business incompatible not only within this neighborhood but within any neighborhood. The obvious mathematical translation here is that 73% of our little enclave is owner/occupied. The business (Tract 30) comparison is somewhat less than 1%.

In the 8-30-05 neighborhood letter to you preceding the 9-1-05 council meeting, a description of the Tract 30 business from a neighborhood perspective was given. At that council meeting, the neighborhood recommended zoning of SF-3-NP was presented by city staff and noted that "staff does not object to the neighborhood's recommendations". Mr. Tommy Harper, owner-operator of Tract 30, appeared and spoke of a "grandfather clause" and the hardship and detrimental effect the SF-3-NP zoning would have on his business, should he have to move.

My understanding is that since that meeting the council-requested research by city staff reveals no "grandfather clause" for use of this lot, which means that Mr. Harper has not been compliant with zoning for over 20 years. He is now requesting that the council approve his request for zoning the property CS....., not the neighborhood-requested SF-3-NP nor the Planning Commission/city staff-requested LO-MU-CO-NP. I further understand that this CS..... zoning, which is totally incompatible within a residential neighborhood, "will not be objected to by staff". The only explanation I have garnered for this bizarre 180 degree sudden flip-flop by staff is that "Mr. Harper needs that zoning to be compliant", a truism of the first order.

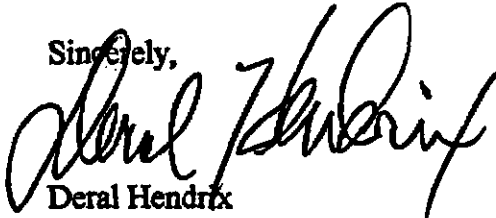
As for the detrimental effect spoken of by Mr. Harper, which he says means he will be forced out of business, thereby depriving 30+ people of their jobs and he and his family of its business income, this should be viewed with clear and open eyes. First of all, this business is on a lot less than twice the size of mine. Picture, if you will, seven or eight service trucks, two or three forklifts, three or four buildings, the usual multitude of stacks of construction and manufacturing materials, and the vehicles of that many employees all

on that size lot at least part of the day and the activity and neighborhood traffic resulting thereof. Add to that 18 wheelers making deliveries to Mr. Harper's property and maneuvering through the neighborhood and you have a fair picture of a neighborhood problem. Requiring that this business move to an appropriately -sized and -located property for its operation should not mean that it would "go out of business"; maintaining the status quo by legalizing something patently illegal will most certainly mean that our neighborhood will be put on the road to being "out of business".

I have lived in this neighborhood for 27 years. My three children grew up here and now two have bought houses here because of the improvements made within the neighborhood over the years. And I have my own 'grandfather clause'—my two-year-old grandson lives next door. There are other children of various ages in the neighborhood, as well as elderly and handicapped adults, young couples and college students. We in this neighborhood have always realized that we have to bend and remain flexible to absorb the increased development and population of Congress Ave. and Stassney Lane and the impact on us.

What we should not have to absorb is the geometric and monumental growth of Mr. Harper's business over these years. When I moved here and when we agonized over the rezoning that occurred during the early 1980s, Mr. Harper's business was a small electrical business with 2 trucks and 2 employees, no stack lot, no forklifts, and no 18 wheelers making deliveries. Thus, the neighborhood took a live and let live attitude. It is obvious that what we thought was a cute little bull snake has grown up into a rattlesnake that is bent on our destruction.

Sincerely,



Deral Hendrix

October 6, 2005

H. B. Massingill
110 Red Bird Lane
Austin, TX 78745

Re: c14-05-0106, Tract 30

Dear City Council,

Since moving into my house at 110 Red Bird Lane in 1998, I've watched Harper Construction Company (across the street from me) grow from a small contracting business into a large ongoing concern, with activity on the premise impacting me (and my neighbors) at every step of it's growth. Some of the problems I've had to deal with are:


- Semi-trucks parking in front of my house with their motor running, filling my 600 square foot house with carbon monoxide. Some mornings I'll wake up anxious with my heart racing, only to find a truck has been idling in front of my house waiting for someone to come accept delivery.
- Trucks have run over my mailbox 20 times. As a result I've missed checks, bills and business.
- Forklifts have disconnected my phone line twice, again causing much inconvenience and lost income do to lost jobs/missed calls.
- Noisy and bothersome activity, very disruptive and very early in the day:
 - Dumpster being picked up at 5:30-6:00 AM.
 - 3-4 semi-trucks daily being idled and unloaded 30 - 40 feet from my door.
 - Semi-trucks blocked me in on numerous occasions. I've missed work and appointments due to this.
 - Bobcat and other equipment being loaded on and off of trailers.
 - Work crew and trucks hanging out in front of my house (including litter).
- Mr. Harper filled in the drainage ditch on the front of his property (with no culvert) in such a way that all the rainwater from his property flows though my lot (sometimes up against my house) at a depth of 18" up to 3 feet wide, a veritable river.
- High wattage security lights shine right into my house.
- Until recently the building material was in piles up to the front of the property.
- Work crews "cat-calling" my daughter and ogling my female friends.

- Pallets brought in from warehouses and industrial areas bringing with them rat nest, mice, possums, hornets.
- There is a dumpster with garbage & food in it, attracting animals.
- Piles of material and equipment have lured thieves onto the lot. I've scared off more than one trespasser.
- I have a 100 square foot organic garden on the back of my lot and I worry about the runoff from all the machines and chemicals stored, seeping into the ground.
- Earlier this week a surveyor was in my yard painting marks on my grass. When I asked him what he was doing, he said he was hired by Mr. Harper. No one ever asked if they could come on my property.
- I also wonder what impact all the semi-truck traffic is having on my street and the infrastructure underneath it.

The final thing I'd like to point out is many contractors competed for the playground contract with the city that Mr. Harper is now fulfilling. How would other contractors feel if they knew the winning bid went to some one in an illegal business space? People playing by the rules didn't get the contract.

I urge you to zone Tract 30 LO-MU-CO-NP.

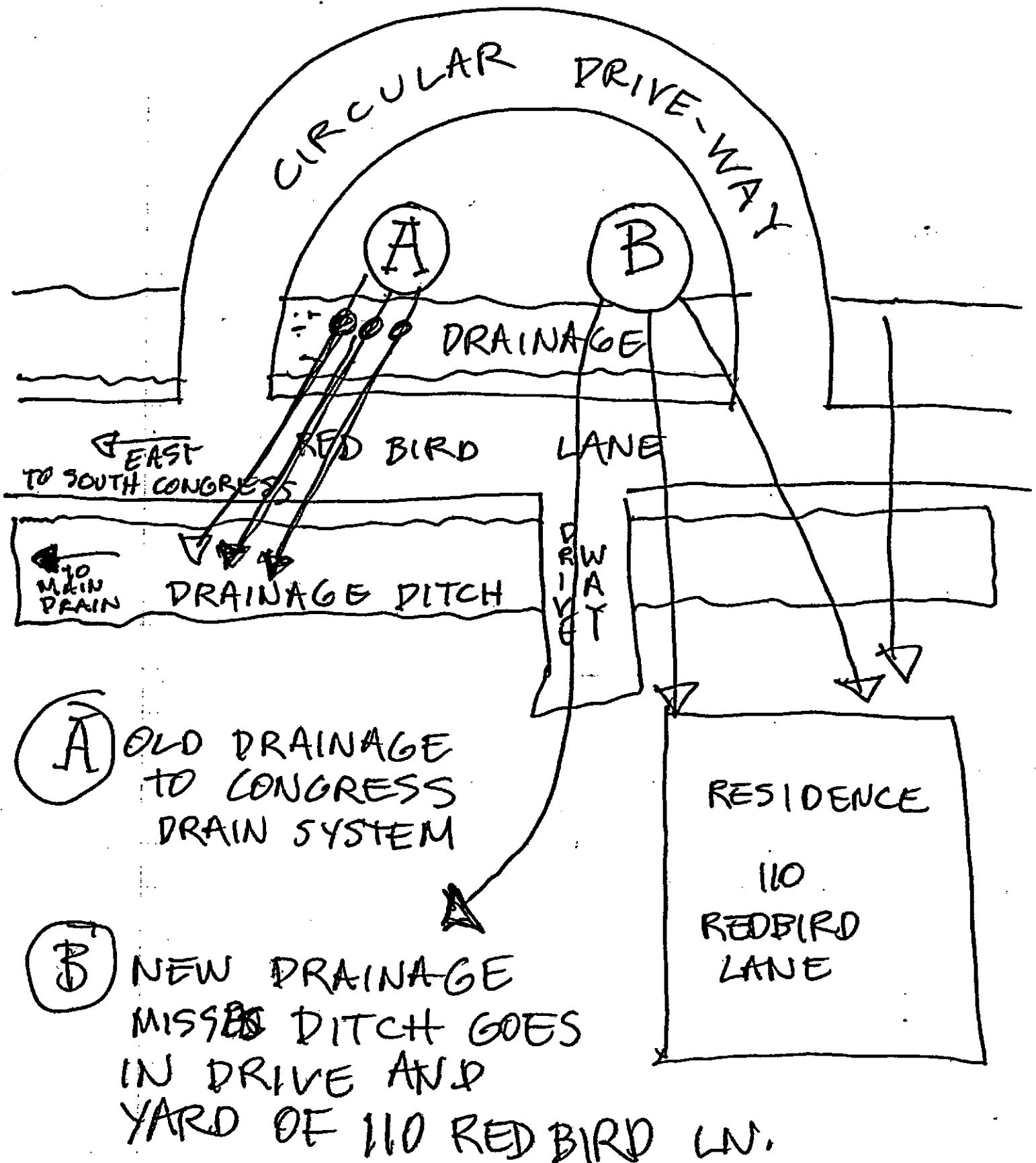
Sincerely,



Brad Massingill
110.Red Bird La.
462-9834

HARPER CONSTRUCTION

208 REDBIRD



October 4, 2005

Page 1 of 2

Reference: C 14-05-0106

Reference: C 14-05-0106.02

Honorable Mayor Will Wynn and City of Austin Council Members,

As residents of the Pleasant Hill Addition sub-district located in the West Congress Avenue Neighborhood Planning Area, we are concerned about upcoming zoning decisions and their impact on our community. We are proud to live in a neighborhood that offers such a unique glimpse into Austin's historical, cultural and architectural heritage - a heritage we believe is worth protecting. Our neighborhood is in transition with restored turn-of-the-century homes and new homes being built. Additionally, the remaining natural areas in our community provide dwindling urban wildlife with critical travel routes, food, water, and shelter.

It is our sincere belief that the following zoning recommendations will safeguard current residents while preserving the area's unique flavor and resources for future generations to enjoy.

We respectfully request your support for the following zoning recommendations:

- SF-2 for Tract 18 (106-200 W. Mockingbird Lane)
- SF-2 for Tract 23A (106 Red Bird Lane, alternately shown as 116 Red Bird on the proposed zoning change sheets). Alternate request: LO-MU-CO-NP.
- SF-3 and SF-6 for Tract 30 (103 Red Bird). The property owner plans to request CS-MU-CO-NP zoning. However, according to the City's own Neighborhood Planning and Zoning Guidelines, "CS is generally incompatible with residential environments." (Neighborhood Planning Guide to Zoning, page 23, April 2005). We oppose the CS designation because a construction business on 3/4 acre with 30+ employees, service trucks and semi-truck deliveries is not compatible with a residential neighborhood with children and hearing-impaired adults. Mr. Harper's business has evolved over recent years and outgrown its location. We request to be heard regarding this parcel at the council meeting scheduled for October 6th. Alternate request: LO-MU-CO-NP.
- LO-MU-NP for Tract 35 (306-314 Stassney). LO is noted by city staff on the Future Land Use Map of August 18. The new GQ recommendation is undesirable because it would allow a 60' building to be erected next to residences.
- LO-MU-NP for 400-414 Stassney. (Corner of Hummingbird; (See reference C14-05-0106.02.). Most of this property is in the flood plain, which limits its desirability for development. The city staff's GO recommendation is undesirable because it would allow a 60' building to be erected next to a residence. LO is listed on the Future Land Use Map of August 18.

Thank you for your consideration.

Sincerely,

1 REXFORD BURNS ~~Tract 205 Red Bird~~
2 Andrea Thomas Andrea Thomas 309 Red Bird
3 Opal Keeling Opal Keeling 5502 Hummingbird La
4 Felix Michael ~~Land~~ ~~5502-5507 Blue Bird Ln~~
209-206 8th St

Reference: C 14-05-0106
Reference: C 14-05-0106.02

- 7) SPEEDY N. PHILLIPS *Speedy N. Phillips* 5500 BLUEBIRD LN.
- 6) Chuck Grimes *C. Grimes* 312 W Stassney LN
- 8) Luis PINHEIRO *Luis Pinheiro* 312 W. Stassney LN
- Adam Hudson *A. Hudson* 312 W. Stassney LN
- 7) EVAN A. HENDRIX *Evan A. Hendrix* 306 RED BIRD LN
- 8) William R. Hendrix *Will R. Hendrix* 300 Red Bird Ln
- 9) H. B. MASSINGILL III *H. B. Massingill III* 110 REDBIRD LN
- 10) DOUGLAS J. FIELDS *Douglas J. Fields* 310 RED BIRD LN
- 11) Rachael Horner *Rachael Horner* 314 Redbird Ln.
- 12) Ann E. Harris *Ann E. Harris* 307 Redbird Ln
- 13) NEILANDRO LOREDO *Neilandro Lored* 204 Red Bird LN
- Liz Kempf *Liz Kempf* director of Day care ctr
200 W. Stassney
306 W. Stassney
- 14) Ernest LEONARD *Ernest Leonard* 5501 Blue Bird Ln A
- 15) Robert L. Heise *Robert L. Heise*
- 16) Shirley HITCHCOCK *Shirley Hitchcock* 313 Red Bird
- 17) DERA HENDRIX *Dera Hendrix* 304 Red Bird Ln.
- 18) Michelle C. Waldron *Michelle C. Waldron* 5505 Hummingbird Lane
- RAYMOND CARLTON *Raymond Carlton* 309 B Red Bird Ln
(center of 10 yrs)
- (18 homeowners + 2 renters)

Reference: C 14-05-0106
Reference: C 14-05-0106.02

Honorable Mayor Will Wynn and City of Austin Council Members,

As residents of the Pleasant Hill Addition sub-district located in the West Congress Avenue Neighborhood Planning Area, we are concerned about upcoming zoning decisions and their impact on our community. We are proud to live in a neighborhood that offers such a unique glimpse into Austin's historical, cultural and architectural heritage - a heritage we believe is worth protecting. Our neighborhood is in transition with restored turn-of-the-century homes and new homes being built. Additionally, the remaining natural areas in our community provide dwindling urban wildlife with critical travel routes, food, water, and shelter.

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Thank you for your consideration.

Sincerely,

Mary Rocamora

Aldo Guevara

Jon M Donaldson

Robert H. Gary

John Van Strien

JOHN HAESE

Mary Rocamora

Aldo Guevara

Jon M Donaldson

ROBIN H. GARY

John Van Strien

JOHN HAESE

305 W. Mockingbird Ln

311 W Mockingbird Ln

305 W Mockingbird Ln

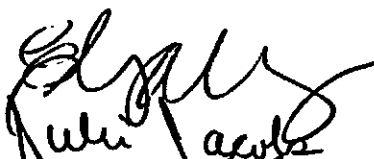
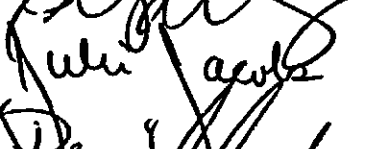
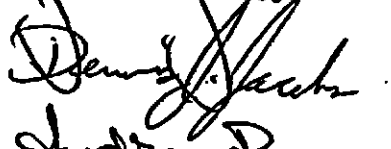
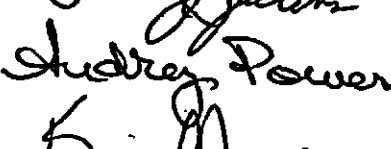
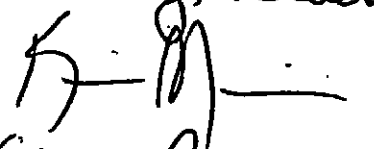

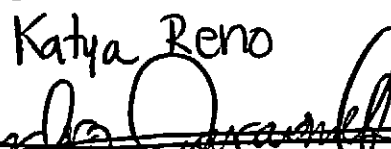

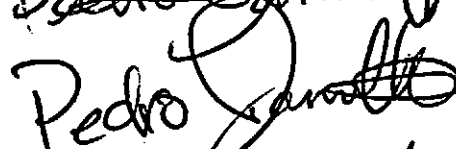
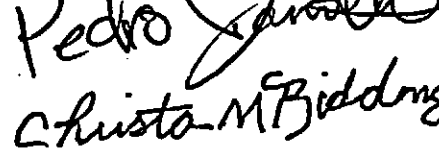
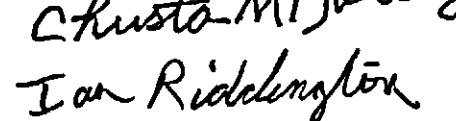
300 W. Mockingbird Ln

207 W. Mockingbird Ln.

110 W Mockingbird Ln.

Reference: C 14-05-0106

Reference: C 14-05-0106.02

	Elizabeth Wallerstein	109 W. Mockingbird Ln.
	Julie Jacobs	312 W. Mockingbird Ln.
	Dennis J. Jacobs	312 W. Mockingbird Ln.
	Audrey Powers	106 W. Mockingbird Ln.
	Kevin Mackie	306 W. Mockingbird Ln.
	Chris Reno	128 W. Mockingbird Ln.
	Katya Reno	128 W. Mockingbird Ln.
	Pedro Jaramillo	
	Pedro Jaramillo	301 W. Mockingbird Ln.
	CHRISTA M. RIDDINGTON	314 W. Mockingbird Ln.
	Ian Riddington	314 W. Mockingbird Ln.

12 properties represented:
(11 homeowners + 1 renter)

12 properties, (2nd letter) represented
18 properties. (1st letter) represented

29 homeowners/ signed letters
properties

3 renters signed letters
(plus additional spouses)

PETITION

Date: 10-04-2005File Number: C 14-05-0106

103 Red Bird Lane Austin, Texas 78745

Rezoning Request: LO-MU-CO-NP

To: Austin City Council

We, the undersigned owners of property affected by the requested zoning change described in the referenced file, do hereby protest against any change of the Land Development Code which would zone the property to any classification other than LO-MU-CO-NP

The property owner plans to request CS-MU-CO-NP zoning. However, according to the City's own Neighborhood Planning and Zoning Guidelines, "CS is generally incompatible with residential environments." (Neighborhood Planning Guide to Zoning, page 23, April 2005). We oppose the CS designation because a construction business on 3/4 acre with 30+ employees, service trucks and semi-truck deliveries is not compatible with a residential neighborhood with children and hearing-impaired adults. Mr. Harper's business has evolved over recent years and has outgrown its location.

Signature

Printed Name

Address

[Handwritten signatures]
 Rexford Burns
 Robert L. Heise

H.B. MASSINGILL III
 Alejandro Loredo
 REXFORD BURNS
 Robert L. Heise

110 RED BIRD LN
 204 RED BIRD LN
 205 RED BIRD
 5501 Blue Bird LN A

Contact number : Rex Burns : cell 228-4040 WK 444-0716

PETITION

Case Number:

C14-05-0106

Date:

Oct. 5, 2005

Total Area within 200' of subject tract: (sq. ft.)

271,314.05

1	<u>04-1508-0411</u>	<u>MASSINGILL</u> <u>BRADFORD III</u>	<u>17,411.27</u>	<u>6.42%</u>
2	<u>04-1508-0413</u>	<u>LOREDO ALEJANDRO</u> <u>& SERAFIN LOR</u>	<u>14,258.30</u>	<u>5.26%</u>
3	<u>04-1609-0302</u>	<u>BURNS REXFORD J JR</u>	<u>41,300.32</u>	<u>15.22%</u>
4	<u>04-1609-0301</u>	<u>HEISE ROBERT LEE</u>	<u>7,443.76</u>	<u>2.74%</u>
5				<u>0.00%</u>
6				<u>0.00%</u>
7				<u>0.00%</u>
8				<u>0.00%</u>
9				<u>0.00%</u>
10				<u>0.00%</u>
11				<u>0.00%</u>
12				<u>0.00%</u>
13				<u>0.00%</u>
14				<u>0.00%</u>
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26				<u>0.00%</u>
27				<u>0.00%</u>
28				<u>0.00%</u>

Validated By:

Stacy Meeks

Total Area of Petitioner:

80,413.66

Total %

29.64%

